Adopted Rejected

COMMITTEE REPORT

YES: 12 NO: 0

MR. SPEAKER:

1

Your Committee on <u>Elections and Apportionment</u>, to which was referred <u>House</u>

Bill 1360 , has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

Page 1, between lines 11 and 12, begin a new paragraph and insert:

2 "SECTION 2. IC 3-6-5-3 IS AMENDED TO READ AS FOLLOWS 3 [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) A person who is a candidate

for elected office or, after December 31, 2004, a member of a

5 candidate's committee may not be appointed as:

6 (1) a member of a county election board;

7 (2) a proxy of record for a member under section 4.5 of this

8 chapter; or

9 (3) an alternate proxy of record for the a member under section

10 4.5 of this chapter.

11 **(b)** If an appointed member, a proxy, or an alternate proxy becomes:

12 (1) a candidate for elected office; or

13 (2) after December 31, 2004, a member of a candidate's

14 committee;

15 the member, proxy, or alternate proxy may not continue to serve on the

1	county election board. In addition,		
2	(c) An appointed member, a proxy, or an alternate proxy may not		
3	hold elected office while a member serving on the county election		
4	board.		
5	(d) The circuit court clerk may not be a member of a		
6	candidate's committee other than the clerk's own candidate's		
7	committee.		
8	SECTION 3. IC 3-6-5.2-4.5 IS ADDED TO THE INDIANA CODE		
9	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY		
10	1, 2004]: Sec. 4.5. (a) This section applies after December 31, 2004.		
11	A person who is a candidate for elected office or a member of a		
12	candidate's committee may not be appointed as a member of the		
13	board.		
14	(b) If an appointed member becomes a:		
15	(1) candidate for elected office; or		
16	(2) member of a candidate's committee;		
17	the member may not continue to serve on the board.		
18	(c) An appointed member may not hold elected office while a		
19	member of the board.		
20	(d) The circuit court clerk may not be a member of a		
21	candidate's committee other than the clerk's own candidate's		
22	committee.		
23	SECTION 4. IC 3-6-5.4-4.5 IS ADDED TO THE INDIANA CODE		
24	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY		
25	1, 2004]: Sec. 4.5. (a) This section applies after December 31, 2004.		
26	A person who is a candidate for elected office or a member of a		
27	candidate's committee may not be appointed as a member of the		
28	board.		
29	(b) If an appointed member becomes a:		
30	(1) candidate for elected office; or		
31	(2) member of a candidate's committee;		
32	the member may not continue to serve on the board.		
33	(c) An appointed member may not hold elected office while a		
34	member of the board.		
35	(d) The circuit court clerk may not be a member of a		

1 candidate's committee other than the clerk's own candidate's 2 committee.". 3 Page 4, between lines 28 and 29, begin a new paragraph and insert: 4 "SECTION 9. IC 3-8-2-20 IS AMENDED TO READ AS FOLLOWS 5 [EFFECTIVE JULY 1, 2004]: Sec. 20. A person who files a declaration 6 of candidacy under this chapter may, at any time no not later than noon 7 seventy-four (74) seventy-one (71) days before the date set for 8 holding the primary election, file a statement with the same office where 9 the person filed the declaration of candidacy, stating that the person is 10 no longer a candidate and does not wish the person's name to appear on 11 the primary election ballot as a candidate.". 12 Page 6, line 21, delete "unless the" and insert "unless the an". 13 Page 6, line 25, strike "the" and insert "an". 14 Page 6, between lines 29 and 30, begin a new paragraph and insert: 15 "SECTION 14. IC 3-10-2-15, AS AMENDED BY P.L.66-2003, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE 16 17 UPON PASSAGE]: Sec. 15. (a) This section applies to a political party whose nominee received at least two percent (2%) but less than ten 18 19 percent (10%) of the votes cast for secretary of state at the last election for that office. 20 21 (b) This section applies only to a local office that is: 22 (1) not listed in IC 3-8-2-5; and 23 (2) not a municipal office subject to IC 3-8-5-17 or IC 3-10-6-12. 24 (c) A political party subject to this section shall nominate the party's 25 candidate for a local office at a county convention of the party 26 conducted not later than noon on the date specified by IC 3-13-1-7(a)(1) for a major political party to act to fill a 2.7 28 candidate vacancy. 29 (d) The chairman and secretary of the convention shall execute a 30 certificate of nomination in writing, setting out the following: 31 (1) The name of each nominee as: 32 (A) the nominee wants the nominee's name to appear on the 33 ballot; and 34 (B) the nominee's name is permitted to appear on the ballot 35 under IC 3-5-7. 36 (2) The residence address of each nominee.

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(3) The office for which each nominee was nominated.

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(4) That each nominee is legally qualified to hold office.

(5) The political party device or emblem by which the ticket will be designated on the ballot.

Both the chairman and secretary shall acknowledge the certificate before an officer authorized to take acknowledgment of deeds.

- (e) Each candidate nominated under this section shall execute a consent to the nomination in the same form as a candidate nominated by petition under IC 3-8-6.
- (f) The certificate required by subsection (d) and the consent required by subsection (e) must be filed with the circuit court clerk of the county containing the greatest percentage of population of the election district for which the candidate has been nominated by the convention not later than noon July 15. on the date specified by IC 3-13-1-15(c) for a major political party to file a certificate of candidate selection.
- (g) A candidate's consent to the nomination must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to the nomination. If there is a difference between the name on the candidate's consent to the nomination and the name on the candidate's voter registration record, the officer with whom the consent to the nomination is filed shall forward the information to the voter registration officer of the appropriate county. The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to the nomination.
- (h) A question concerning the validity of a candidate's nomination under this section shall be determined by a county election board in accordance with IC 3-13-1-16.5(b) and IC 3-13-1-16.5(c).
- (i) A nominee who wants to withdraw must file a notice of withdrawal in accordance with IC 3-8-7-28.
- SECTION 15. IC 3-10-6-12, AS AMENDED BY P.L.202-1999, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. (a) This section applies to a political party:
- (1) not qualified to conduct a primary election under IC 3-10; and
- 37 (2) not required to nominate candidates by a petition of nomination

1 under IC 3-8-6.

(b) The political party may conduct a convention to nominate candidates for city or town office not later than noon on the date specified by IC 3-13-1-7(a)(1) for a major political party to act to fill a candidate vacancy.

- (c) The chairman and secretary of the convention shall execute and acknowledge a certificate setting forth the nominees of the convention in accordance with IC 3-8-5-13. The certificate must be filed with the circuit court clerk of the county containing the greatest percentage of population of the municipality not later than noon August 28: on the date specified by IC 3-13-1-15(c) for a major political party to file a certificate of candidate selection.
- (d) Each candidate nominated under this section shall execute a consent to the nomination in the same form as a candidate nominated by petition under IC 3-8-6. The consent must be filed with the certificate under subsection (c).
- (e) A candidate's consent to the nomination must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to the nomination. If there is a difference between the name on the candidate's consent to the nomination and the name on the candidate's voter registration record, the officer with whom the consent to the nomination is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to the nomination.
- (f) A question concerning the validity of a candidate's nomination under this section shall be determined by a county election board in accordance with IC 3-13-1-16.5(b) and IC 3-13-1-16.5(c).
- (g) A nominee who wants to withdraw must file a notice of withdrawal in accordance with IC 3-8-7-28.

SECTION 16. IC 3-10-7-2.9 IS ADDED TO THE INDIANA CODE

AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2004]: Sec. 2.9. (a) This section does not apply to a town located

1	wholly or partially within a county having a consolidated city.
2	(b) During the year preceding a municipal election conducted
3	under section 2 of this chapter, a town may adopt an ordinance
4	changing the time municipal elections are held for the offices of
5	the town legislative body members, clerk-treasurer, and judge.
6	(c) The ordinance described in subsection (b) must provide all
7	the following:
8	(1) The years in which town elections shall be held. A town
9	election may not be held in a year following a year in which
10	an election for electors for President of the United States is
11	held.
12	(2) That the elections for town offices shall be held during
13	general elections or municipal elections, or both.
14	(3) Which town officers are to be elected in each of the years
15	of the town election cycle. The ordinance must provide that
16	at least two (2) town officers shall be elected in each year of
17	the town election cycle. The ordinance may provide for all
18	town officers to be elected at the same election.
19	(4) The term of office of each town officer elected in the first
20	election cycle after adoption of the ordinance. A term of
21	office set under this subdivision may not exceed four (4)
22	years.
23	(5) That the term of office of each town officer elected after
24	the first election cycle after adoption of the ordinance is four
25	(4) years.
26	(6) That the term of office of each town officer begins on
27	January 1 after the election.
28	(d) A town may repeal an ordinance adopted under subsection
29	(b) subject to both of the following:
30	(1) The ordinance may not be repealed earlier than twelve
31	(12) years after the ordinance was adopted.
32	(2) The ordinance may be repealed only in a year preceding
33	a municipal election held at the time described in
34	IC 3-10-6-5.
25	SECTION 17 IC 3 10 7 3 IS AMENDED TO DEAD AS

1	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. If a town has		
2	established staggered terms for its town council, or has adopted an		
3	ordinance under section 2.7 or 2.9 of this chapter, the county election		
4	board shall conduct a municipal election in that town that coincides wit		
5	a general election.".		
6	Page 6, between lines 40 and 41, begin a new paragraph and inser-		
7	"SECTION 19. IC 11-10-12-4 IS AMENDED TO READ AS		
8	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. Upon the discharg		
9	of a criminal offender, the department shall do the following:		
10	(1) Certify the discharge to the clerk of the sentencing court		
11	Upon receipt of the certification, the clerk who shall make an entr		
12	on the record of judgment that the sentence has been satisfied.		
13	(2) Inform the criminal offender in writing of the right to		
14	register to vote under IC 3-7-13-5.		
15	(3) Provide the criminal offender with a copy of the voter		
16	bill of rights prescribed by the Indiana election commissio		
17	under IC 3-5-8.".		
18	Renumber all SECTIONS consecutively.		
	(Reference is to HB 1360 as introduced.)		

and when so amended that said bill do pass.	
	Representative Mahern